IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.130 of 2005

Between:

G. Vanamala W/o.Narsimlu
R/o.H.No.5-6-69/2, Dayarguda, Kukatpally, R.R.District.

..... PETITIONER

AND

1 The Kukatpally Municipality rep by its Commissioner
Kukatpally, R.R.District.
2 A. Mallaiah S/o.Durgaiah
R/o.5-6-68/1, Dayarguda, Kakatpally, R.R.District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No.1 authorities in not taking any action against the respondent No.2, who is proceeding with the illegal construction and against the sanction plan and occupying the road margin, without following the building rules at the premises bearing No.5-6-68/1, Dayarguda, Kukatpally, Ranga Reddy District even though the petitioner filed an application on 30-12-2004 complaining the illegal construction of the respondent No.2, is arbitrary, illegal, null and void and also violative of the provisions of the Building rules. Consequently direct the respondent No.1 to take necessary action against the illegal construction of the respondent No.2 at the premises bearing No.5-6-68/1, Dyarguda, Kukatpally, Ranga Reddy District immediately basing on the application filed by the petitioner dated 30-12-2004.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondent No.1: MR. Polisetti Radhakrishna

Counsel for the Respondent No.2: SC for Kukatpally Municipality

The Court, at the admission stage, made the following:

ORDER:

The grievance of the petitioner is that when the 2nd respondent, without following the building plan sanctioned to him and without leaving the set backs and occupying the road margin, is proceeding with the illegal construction at the premises bearing No.5-6-68/1 of Dayarguda, Kukatpally, Ranga Reddy District, she made a complaint dated 30.12.2004 to the 1st respondent-Municipality, but no action has been taken so far. Hence, she filed the present writ petition.

Heard the learned counsel for petitioner and learned Standing Counsel for the respondent-Municipality. Both counsel agreed to dispose of the writ petition at the admission stage.

Since the complaint of the petitioner dated 30.12.2004 is said to be pending consideration before the 1st respondent-Municipality, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent-Municipality to consider the same and after issuing notice and opportunity to second respondent pass appropriate orders thereon in accordance with law, expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 18.01.2005

(B/O)

Issue CC in two days

Nsr

To

1 The Commissioner, Kukatpally Municipality
Kukatpally, R.R.District.
2 Two CD copies.